

REMARKS

Claims 1-3 and 6-7 are pending. Claim 5 has been canceled and claims 1 and 7 have been amended. No new subject matter has been added.

Applicant wishes to thank the Examiner for the telephonic interview of January 6, 2006.

Claims 1-7 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to meet the requirements for written description. Specifically, the Examiner has alleged that disclosure of nitrous oxide does not create the generic concept of “pharmaceutically active water soluble gaseous substances” and that there is insufficient disclosure to enable one skilled in the art to use ethanol as a medicament. Claims 1 and 7 have hereby been amended to replace the phrase “pharmaceutically active water soluble gaseous substances” with “nitrous oxide” and deleting “ethyl alcohol” as a pharmaceutically active substance.

The Examiner has also observed that the claims “disclose no amounts, no weights, and no ratios of ingredients”. This is not a sufficient basis to support a rejection under 35 U.S.C. §112, first paragraph, for lack of written description. Applicant respectfully contends that no amounts, weights or ratios need be specified in the claims. Applicant’s attorneys have attempted to speak to the Examiner on this issue to obtain clarification. However, the Examiner’s supervisor requested that a response be filed prior to further discussions regarding the Examiner’s above-mentioned observations.

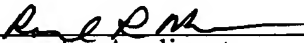
Claim 5 has been canceled.

Claims 1 and 7 stand rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite. Claims 1 and 7 have hereby been amended to delete “ethyl alcohol” as a pharmaceutically active substance. Thus, Applicant respectfully submits that this rejection is now moot.

Applicant respectfully requests favorable re-consideration and allowance of the present claims.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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